

JOHN M. DAVIS.

JANUARY 26, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WOOMER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 56.]

The Committee on Military Affairs, to whom was referred the bill (S. 56) for the relief of John M. Davis, have duly considered the same and recommend the passage of the bill with the following amendments: On line 11 strike out "ninth" and insert "thirteenth;" on line 12 strike out "five" and insert "four," and add: "Provided, That no pay, bounty, or other allowance shall become due or payable by virtue of this act," and attach hereto and make part of this report Senate Report No. 25.

[Senate Report No. 25, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 56) for the relief of John M. Davis, have duly considered the same and submit the following report:

A precisely similar bill was favorably reported and passed in the Senate and favorably reported in the House in the Fifty-second Congress, and again reported and passed in the Senate in the Fifty-third Congress. Senate Report 585, Fifty-second Congress, has been reexamined and again adopted, and is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 2882) for the relief of John M. Davis, have duly considered the same and submit the following report:

Your committee received the following report and accompanying papers from the War Department:

WAR DEPARTMENT,  
Washington City, April 7, 1892.

SIR: In reply to your communication of the 5th instant, received yesterday, requesting the military record of John M. Davis, late captain Company H, Sixty-third Illinois Volunteers, and copies of certain papers in his case, I am directed by the Secretary of War to inform you that the records show that John M. Davis was originally enrolled and mustered in as a private, Company A, Forty-first Illinois Volunteers, August 5, 1861, to serve for three years, and is reported on the muster roll of that company for November and December, 1861, as "private; discharged November 24, 1861; disability."

He was mustered in as first lieutenant with Company H, Sixty-third Illinois Volunteers, April 10, 1862, to serve for three years; was mustered in as captain, same company, to date December 31, 1863, and was dismissed the service by sentence of general court-martial, promulgated in General Orders, No. 6, Department and Army of the Tennessee, dated April 30, 1864.

The muster rolls of Company H, Sixty-third Illinois Volunteers, report him as follows: June 30, 1862, "first lieutenant, detached on recruiting service, to Decatur, Ill.;" August 31, 1862, to June 30, 1863, "present;" August 31, 1863, "absent with leave, by order of Gen. McPherson;" October 31, 1863, to February 29, 1864, "present;" April 30, 1864, to August 31, 1864, "present in arrest since March 15, 1864;" October 31, 1864, and muster-out roll dated July 13, 1865, "dismissed the service; sentence G. C. M. approved April 30, 1864."

The company morning reports show him "present in arrest" from March 16, 1864, to September 19, 1864, on which latter date his name is dropped with the following remark: "Capt. Davis dismissed United States service by sentence of general court-martial, and proceedings approved by General Orders, No. 6, Department and Army of Tennessee, dated April 31, 1864. Said orders received at regimental headquarters at Cartersville, Ga., September 17, 1864."

His disability to reenter the service was removed February 10, 1865, and the governor of Illinois was authorized to recommission him should his excellency so desire.

Herewith, as requested, is a copy of the proceedings, findings, and sentence of the general court-martial in this officer's case, together with a copy of letter from the governor of Illinois, dated November 11, 1864, with indorsement of the Judge-Advocate-General of the Army thereon, and of a petition therewith inclosed from the officers of the Sixty-third Illinois Volunteers, dated September 30, 1864, upon which the disability of Capt. Davis to reenter the service was removed, as above stated.

A report on file from the Second Auditor of the Treasury shows that this officer was last paid as captain Company H, Sixty-third Illinois Volunteers, to include April 30, 1864.

Very respectfully,

Hon. F. M. COCKRELL,  
*United States Senate.*

F. C. AINSWORTH,  
*Major and Surgeon, U. S. Army.*

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[Telegram.]

WAR DEPARTMENT.

Hon. F. M. COCKRELL:

George W. Baxter was commissioned captain Company H, Sixty-third Regiment Illinois Volunteers, to rank from July 12, 1865, to fill the vacancy created by dismissal of John W. Davis April 30, 1864, but was not mustered in as captain. He was mustered out with the company July 13, 1865, as first lieutenant, and was paid as such. There is no record of payment as captain.

F. C. AINSWORTH,  
*Major and Surgeon, U. S. A.*

Proceedings of a general court-martial convened at the Headquarters Third Division, Fifteenth Army Corps, at Huntsville, Ala., by virtue of the following orders, viz:

General Orders, } HEADQUARTERS THIRD DIVISION, FIFTEENTH ARMY CORPS,  
No. 18. } DEPARTMENT AND ARMY OF THE TENNESSEE,  
Huntsville, Ala., March 27, 1864.

A general court-martial is hereby appointed to meet at Headquarters Third Division, Fifteenth Army Corps, at 9 o'clock a. m., on Monday, the 28th day of March, 1864, or as soon thereafter as practicable, for the trial of Capt. John M. Davis, H Company, Sixty-third Illinois Volunteer Infantry, and such other prisoners as may be brought before it. The court will sit without regard to hours.

*Detail for the court.*—Lieut. Col. Parish P. Henderson, Tenth Iowa Volunteer Infantry; Capt. Aurelius L. Swallow, B Company, Tenth Iowa Volunteer Infantry; Capt. James Carnes, B Company, Eightieth Ohio Volunteer Infantry; Capt. John C. Snodgrass, I Company, Seventeenth Iowa Volunteer Infantry; Capt. Richard McClure, A Company, Sixty-third Illinois Volunteer Infantry; Capt. Albert Stoddard, C Company, Tenth Iowa Volunteer Infantry, judge-advocate.

No other officers than those named can be assembled without manifest injury to the service.

By order of Brig. Gen. C. L. Matthies:

C. L. WHITE,  
*Lieutenant, Acting Assistant Adjutant-General.*

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Special Orders, } HEADQUARTERS THIRD DIVISION, FIFTEENTH ARMY CORPS,  
No. 54. } DEPARTMENT AND ARMY OF THE TENNESSEE,  
Huntsville, Ala., March 28, 1864.

1. Capt. John C. Snodgrass, I Company, Seventeenth Iowa Volunteer Infantry, is hereby relieved from duty with general court-martial appointed to meet at these headquarters at 9 o'clock a. m. on Monday, the 28th day of March, 1864, under General Orders, No. 18, Headquarters Third Division, Fifteenth Army Corps, March 27, 1864, and Capt. Littleton W. Huston, B Company, Seventeenth Iowa Volunteer Infantry, is hereby appointed in his place.

By order of Brig. Gen. C. L. Matthies:

C. L. WHITE,  
*Lieutenant, Acting Assistant Adjutant-General.*

OFFICE OF GENERAL COURT-MARTIAL,  
Huntsville, Ala., March 28, 1864—9 a. m.

The court convened pursuant to the above orders and adjournment. Upon the calling of the roll the following officers were present: Lieut. Col. P. P. Henderson, Tenth Iowa, president; Capt. Richard McClure, Sixty-third Illinois; Capt. A. L. Swallow, Tenth Iowa; Capt. James Carnes, Eightieth Ohio; Capt. L. W. Huston, Seventeenth Iowa, members, and Capt. Albert Stoddard, Tenth Iowa, judge-advocate.

Also present, Capt. John M. Davis, H Company, Sixty-third Illinois Infantry, the accused.

The judge-advocate, having read the orders convening the court, asked the accused if he had any objection to any of the members mentioned in the detail, to which he replied in the negative. Whereupon the court was sworn by the judge-advocate and the judge-advocate by the presiding officer, all in the hearing and presence of the accused.

The accused, Capt. John M. Davis, Sixty-third Illinois Volunteer Infantry, was then arraigned upon the following charge and specifications, to wit:

CHARGE.—Conduct unbecoming an officer and a gentleman.

Specification 1.—In this, that the said Capt. John M. Davis, Sixty-third Illinois Volunteer Infantry, did, on the night of the 15th of March, 1864, become intoxicated, and while thus intoxicated proceeded to the house of Thomas White, of the town of Huntsville, Ala., and did, while there, conduct himself in a riotous and unbecoming manner.

Specification 2.—In this, that the said Capt. John M. Davis, Sixty-third Illinois Volunteer Infantry, did, on the night of the 15th of March, 1864, proceed to the house of Thomas White, of the town of Huntsville, Ala., and without provocation, with the intent to do bodily harm and injury, strike said Thomas White, citizen of Huntsville, Ala., in the back with his fist.

Specification 3.—In this, that the said Capt. John M. Davis, Sixty-third Illinois Volunteer Infantry, did, while at the house of Thomas White, citizen of Huntsville, Ala., seize, without provocation, and with the intent to do bodily injury to William White, son of Thomas White, and drew a knife on him, said William White, at the same time threatening to inflict injuries upon him with the knife.

All this at Huntsville, Ala., at the house of Thomas White, on the evening of the 15th March, 1864.

FRANK C. GILLETTE,  
Captain and Provost-Marshal

Witnesses: Mr. Thomas White, Huntsville, Ala.; Mr. William White, Huntsville, Ala.; Mrs. Thomas White, Huntsville, Ala.; Corp. Donolley, Company E, Sixty-third Illinois Volunteer Infantry; Provost W. P. Porterfield, Sixty-third Illinois Volunteer Infantry.

The accused stated that he did not desire the assistance of counsel, and to the foregoing charge and specifications he pleaded as follows, to wit:

To the first specification, "not guilty."

To the second specification, "not guilty."

To the third specification, "not guilty."

To the charge, "not guilty."

All persons required to give evidence were then directed to withdraw and hold themselves in waiting until called for.

THOMAS WHITE was then called and sworn, and testified as follows:

Q. (By the JUDGE-ADVOCATE.) What is your name, and where do you reside?—A. Thomas W. White; I reside at Huntsville, Ala.

(The witness is here directed to identify the accused, which he does.)

Q. (By the JUDGE-ADVOCATE.) Did you see the accused on the 15th of March, instant? If so, under what circumstances and where?—A. I was at home with my family on the night of March 15, 1864, and at a little after 8 o'clock I was aroused by a servant girl who came rushing into the house saying that two gentlemen were disturbing them out of doors. I walked out to see what was the matter, and there, between my house and the kitchen building, I saw the accused and another. The accused ordered me to open a door into my servant girl's room in the kitchen building, but I saw it was dark in there and told him I would find the girl and get the key, and I started to go, when in a very loud, angry manner he repeated his order and at the same time struck me on the back. He told me he was there to arrest some officers. I believed him to be intoxicated, and went to the officer of the guard, who sent soldiers to arrest the accused. This was on my premises at Huntsville, Ala.

Cross-examined:

Q. (By ACCUSED.) Was it not so dark that you could not distinguish one person from another that night?—A. No, sir; the moon was shining at the time.

The accused declining to cross-examine the witness further, he retired, and WILLIAM WHITE was by the prosecution called, sworn, and testified as follows:

Q. (By JUDGE-ADVOCATE.) What is your name and where do you reside?—A. William White; I reside at the home of my father, in Huntsville.

Q. Do you know Capt. John M. Davis, the accused?—A. I only know him by sight (witness here identifies the accused).

Q. Did you see him on or about the night of March 15, 1864; if so, where and under what circumstances?—A. On the night of the 15th of the present month I was sitting in the house; my father had gone out to see the cause of a disturbance occurring in the yard, and my mother asked me to go out and protect my father. I went out but learned that my father was not there. On going out I saw accused and another. The accused seized me by the arm, and with a drawn knife threatened to "stick" me. While he held me, a guard came up and took the accused into custody. I thought him to be drunk. He had on a Federal uniform. This occurred on the premises of my father, in Huntsville, Ala., and within a few feet of his house. He had demanded the key of our servant girl's room, and said he desired to arrest a Capt. "Wallace" or "Waller."

Cross-examined:

Q. (By ACCUSED.) Was it light enough at the time you have mentioned to distinguish one person from another?—A. It was. I could distinguish you very well.

Q. How do you recognize me?—A. By your face. I have seen you once since, at the provost-marshal's office.

The accused declined further to cross-examine the witness, who retired, and Private W. P. PORTERFIELD was called, sworn, and testified as follows, to wit:

Q. (By JUDGE-ADVOCATE.) What is your name and rank?—A. My name is W. P. Porterfield; private, Company E, Sixty-third Illinois Volunteer Infantry.

Q. Do you know the accused?—A. I do; he is a captain in my regiment.

Q. Did you see Capt. Davis on the night of the 15th March, 1864? If so, where and under what circumstances? State fully.—A. I saw Capt. Davis, the accused, on the night of the 15th of March, 1864, on the premises of Mr. Thomas White, a citizen of Huntsville. I was sent by the officer in charge of a party of guards to ascertain about a disturbance at Mr. White's house and to arrest the parties. We arrested Capt. John M. Davis and another, and took him outside the lot and put them on their horses and told them if they would go to camp they were released. The accused was a little tipsy, though I think he could tell what he was about.

Cross-examined:

Q. (By the ACCUSED.) Was it not so dark that you could not distinguish me?—A. It was not.

The accused declined to cross-examine the witness further, and he retired.

Corporal DONELEY was next called and sworn, and testified as follows:

Q. (By JUDGE-ADVOCATE.) What is your name, and where do you belong?—A. H. Donelley, Company E, Sixty-third Illinois Volunteer Infantry, on detached service in town.

Q. Do you know the accused?—A. I do.

Q. Did you see him on the night of the 15th of March, 1864? If so, where and under what circumstances?—A. I saw accused on that date, after dark, on premises of Mr. White, a citizen of Huntsville, Ala. I was sent there to stop a disturbance, and I saw Capt. John M. Davis, the accused, there, and I thought he had been drinking right smart. We took him outside the fence and put him on his horse. He was not sober.

Cross-examined:

Q. (By ACCUSED.) Did you arrest me?—A. I told you to consider yourself under arrest, and took you into custody.

The accused declined to cross-examine witness any further, and he retired.

The prosecution rested, and accused called Lieut. KEEN, as a witness on the part of the defense, who was duly sworn and testified as follows, to wit:

Q. (By ACCUSED.) What is your name and rank?—A. William C. Keen, Sixty-third Illinois Volunteer Infantry, in charge of a guard in Huntsville, Ala.

Q. Did you order my arrest on the night of March 15, 1864?—A. I couldn't say that I did. I sent a guard to the house of Mr. White to arrest a couple of soldiers. I didn't know who they were. I saw you at my quarters that night at about 8 o'clock.

The witness retired, and Lieut. JORDAN was called and sworn, and testified as follows:

Q. (By ACCUSED.) What is your name and rank?—A. John A. Jordan, second lieutenant, Sixty-third Illinois Volunteer Infantry.

Q. State if I was at your quarters on the night of March 15, instant. If so, was I intoxicated or under arrest?—A. You were there a short time; you had been drinking, and while there was not under arrest.



The witness retired, and Private PATTON was by accused called, and after being sworn testified, as follows, to wit:

Q. What is your name and where do you belong?—A. William S. Patton, private, Company E, Sixty-third Illinois Volunteers.

Q. Did you see me on the night of the 15th of March, 1864; if so, where, and was I drunk?—A. I did see you on the time mentioned at headquarters of Company E, Sixty-third Illinois Volunteers, a little after dark, and I thought intoxicated.

The witness retired, as the accused declined to examine him further.

The accused stated that he would call no more witnesses and that he did not desire to submit any statement in writing.

The accused retired and the court was cleared for deliberation.

The court being in possession of the facts, and having maturely considered the evidence adduced, find the accused, Capt. John M. Davis, Company H, Sixty-third Illinois Volunteer Infantry, as follows, to wit:

Of the first specification, "Guilty."

Of the second specification, "Guilty."

Of the third specification, "Guilty."

Of the charge, "Guilty."

And do, therefore, sentence the accused, Capt. John M. Davis, H Company, Sixty-third Illinois Volunteer Infantry, as follows, to wit: To be dismissed the service of the United States.

P. P. HENDERSON,  
*Lieutenant-Colonel, Tenth Iowa Volunteer Infantry, President.*

Attest:

ALBERT STODDARD,  
*Captain, Tenth Iowa Volunteer Infantry, Judge-Advocate.*

HEADQUARTERS THIRD DIVISION, FIFTEENTH ARMY CORPS,  
*Huntsville, Ala., April 15, 1864.*

Proceedings, findings, and sentence approved and respectfully forwarded for confirmation.

JNO. E. SMITH,  
*Brigadier-General, Commanding Third Division, Fifteenth Army Corps.*

HEADQUARTERS DEPARTMENT AND ARMY OF THE TENNESSEE,  
*Huntsville, Ala., April 30, 1864.*

Proceedings, findings, and sentence approved and confirmed and Capt. John M. Davis, H Company, Sixty-third Regiment Illinois Infantry Volunteers, is accordingly dismissed the service of the United States, and ceases to be an officer from this date.

By order of Maj. Gen. McPherson.

WM. T. CLARK,  
*Assistant Adjutant-General.*

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,  
*Washington, D. C., April 7, 1864.*

Official copy.

G. NORMAN LIEBER,  
*Acting Judge-Advocate-General.*

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,  
*Springfield, November 11, 1864.*

DEAR SIR: I would respectfully represent to you that great injustice appears to have been done in the case of Capt. John M. Davis, Company H, Sixty-third Regiment Illinois Volunteers, who has been dismissed from the United States service, which was only the result of a thoughtless moment.

I herewith inclose petition signed by a majority of his regiment, and earnestly request that disability of Capt. Davis's dismissal be removed and restoration to his command, if vacancy has not been filled.

Very respectfully, your obedient servant,

RICHD. YATES,  
*Governor.*

Hon. E. M. STANTON,  
*Secretary of War, Washington, D. C.*

Cordially indorse the above letter.

R. J. OGLESBY.

[Indorsement.]

Respectfully returned to the Adjutant-General.

The officers of the Sixty-third Illinois Volunteers, with Governor Yates and Gen. Oglesby, governor-elect, earnestly pray removal of the disability incurred by Capt. John M. Davis of that regiment, by reason of dismissal by sentence of court-martial for conduct unbecoming an officer and gentleman.

The record shows that while intoxicated accused visited the house of a citizen of Huntsville, Ala., struck him, and maltreated his family, doing none, however, serious bodily harm.

This conduct was disgraceful; but in view of the previous good character of the accused, and the fact that this is a single and apparently first offense, it may be advisable to permit him to reenter the service.

J. HOLT,  
*Judge-Advocate-General.*

#### HEADQUARTERS SIXTY-THIRD ILLINOIS INFANTRY VOLUNTEERS,

*Cartersville, Ga., September 30, 1864.*

To all whom it may concern:

Capt. John M. Davis, Company H, Sixty-third Regiment Illinois Infantry Veteran Volunteers, having been dismissed the service of the United States, we, the undersigned, would respectfully solicit your influence in his behalf in order to procure his reinstatement to his former position.

We have no hesitation in saying that Capt. Davis is a man of good morals, worthy of confidence, and an efficient officer. His dismissal was only the result of a thoughtless moment.

Jas. Isaminger, lt. col. 63d Regt. Ills. Vols.; J. W. McKinney, surgeon 63d; J. K. Lemon, major 63d Ills.; Richd. McClure, capt. Co. 63d Ills. Vet. Vols.; Victor E. Phillips, 1st lieutenant, "A," 63d Ills. Inftry.; A. L. McCoy, capt. Co. "B," 63d Ills. Inftry.; A. L. Hunter, 2d lieutenant. Co. "B," 63d Ills. Inftry.; Hiram H. Walser, capt. Co. "E," 63d Ills. Vet.; William M. Davis, capt. Co. "F," 63d Ills. Inftry.; Charles G. Cochran, 1st lt. Co. "G," 63d Ills.; George F. Glossbrenner, capt. Co. "I," 63d Ills.; I. Starkey, 1st lt. Co. "H," 63d Ills. Vols.; Wm. A. Jeffries, 2d lt. Co. "K," 63d Regt. Ills. Vol. Vet.; Joseph H. C. Dill, 1st lt. Co. "I," 63d Regt. Ill. Vet. Vols.; Milan C. Edson, 1st lt. Co. "D," 63d Regt. Ills. Inf. Vet. Vols.; William M. Bonghan, capt. Co. "C," 63d Ills. Vet. Vol. Inf.; George W. Short, capt. Co. D, 63rd Ills. Vet. Vol. Inf.; W. P. Richardson, 1st lt. and adjt. 63d Ills. Inftry.; John M. Maris, lt. and R. Q. M., 63rd Ills. Inftry.; John A. Jordan, 2d lt. Co. "E," 63d Ills. Inftry.; Wm. Leamon, capt. Co. K, 63 Ills. Inftry.; William F. Cox, 1st lieutenant. Co. H, 63rd Ills. Inftry.; William C. Keen, 1st lt. Co. E, 63d Ills. Vol.; John Snuffin, 1st lt. Co. C, 63rd Regt. Ills. Inftry. Vet. Vols.; J. R. Stanford, capt. Co. G, 63d Ills., and A. A. G. 1st Brigade; J. B. McCown, col. 63 Regt. Ills. Inf., commdg. 1st Brigade, 3 Div., 15 Corps.

Official copy respectfully furnished for the information of Hon. F. M. Cockrell.  
By authority of the Secretary of War:

F. C. AINSWORTH,  
*Major and Surgeon, U. S. Army.*

WAR DEPARTMENT, RECORD AND PENSION DIVISION, *April 7, 1892.*

Your committee have before them numerous petitions signed by nearly all the officers of the Sixty-third Illinois Regiment, urging relief for Capt. Davis, and testifying to his high personal character and integrity and his gallantry and devotion as a faithful and efficient officer. The facts as shown by the record and evidence are that Capt. Davis was on March 28, 1864, arraigned before a general court-martial at Huntsville, Ala., tried, found guilty, and sentenced to be dismissed the service, and the proceedings, findings, and sentence were, on April 30, 1864, at Huntsville, Ala., approved and confirmed by the commanding general, McPherson, and that the order so approving such sentence and dismissing Capt. Davis was received at regimental headquarters at Cartersville, Ga., on September 17, 1864, and that between the dates of the approval of sentence of dismissal and the receipt of the order at regimental headquarters his regiment had marched from Huntsville, Ala., to Cartersville, Ga., and Capt. Davis had remained with his company, wholly unadvised of the sentence, and when received the Army was around Atlanta, and it would have been difficult for Capt. Davis to return home, and that, instead of attempting to return home, having received no pay since April 30, 1864, he remained with his company, made the march to the sea under Gen. Sherman, and thence to Columbia, S. C., and Benton-

ville and Goldsboro, N. C., until April 9, 1865, when the nonveterans of his company were discharged, and that he participated with his company in every battle and engagement in which his company took part, fighting gallantly with his company.

Capt. Davis thus actually served with his company, not only from the date of the order of dismissal (April 30, 1864) up to when the order was received at regimental headquarters (September 17, 1864), but also from the latter date through the exhausting marches to Savannah, Ga., Columbia, S. C., and Bentonville and Goldsboro, N. C., and took part in all the battles in which his company was engaged.

As soon as the order was received at regimental headquarters a petition, dated September 30, 1864, was signed by the colonel, lieutenant-colonel, major, surgeon, 9 captains, 9 first lieutenants, and some other regimental officers, urging his reinstatement, and sent to the governor of Illinois, and Governor Richard Yates, on November 11, 1864, wrote the Secretary of War, inclosing same and asking restoration, and his letter was favorably indorsed by Hon. R. J. Oglesby, and when received was referred to Judge-Advocate-General Holt, who indorsed the same, recommending he be allowed to reënter the service, and on February 10, 1865, his disability to reënter the service was removed and the governor of Illinois so notified; but it was too late then for any action to be taken.

Your committee hereto append the affidavit of H. D. Holloway, late sergeant-major of said regiment, who was present with Capt. Davis at the time of the alleged offense, and whose evidence was not before said court-martial. The vacancy created by his dismissal was never filled. George W. Baxter was commissioned as captain, to take rank from July 12, 1865, to fill the vacancy, but was never mustered in, and no one was paid or can properly claim pay for the term from April 30, 1864, to April 9, 1865, for performing the duties of captain of said company except Capt. Davis.

In view of all the facts in this case, it seems only just and right that the order for the dismissal of Capt. Davis should be revoked, and Capt. Davis should be considered and treated as still in the service up to April 9, 1865, and then honorably discharged, and accordingly your committee recommend amending the bill, and as amended report it back to the Senate and recommend its passage.

#### GENERAL AFFIDAVIT.

STATE OF KANSAS, *County of Leavenworth, ss:*

In the matter of special act of Congress for relief of John M. Davis, late Capt. Co. H, 63d Ills. I. V.

Personally came before me, a notary public in and for aforesaid county and State, H. D. Holloway, aged 55 years, a citizen of the town of Leavenworth, county of Leavenworth, State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares, in relation to said case, as follows: I was, in company with Capt. John M. Davis, late captain Co. H, 63d Regt. Ill. Vols., on or about the 15th day of March, 1864, stationed at Huntsville, Ala. We started to call on Capt. Walser, at Gen. John A. Logan's headquarters; were directed to the wrong house, and two or three negroes, with a Mr. Thomas White (white man), came to the door and at once ordered us away. I went outside the yard, leaving Captain Davis trying to explain why he called there. I saw a negro push Captain Davis, and heard Thomas White apply insulting language to him. Captain Davis then struck the negro and also struck Thomas White with his fist, and then came away. Captain Davis afterwards remained with his company and regiment until April 9th, 1865, leaving them at Goldsboro, N. C., on that date.

I further declare that I have no interest in said case, and am not concerned in its prosecution.

H. D. HOLLOWAY,  
*Late Sergt. Major, 63d Ill. Vols.*

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that he is a creditable person and so reputed by the community in which he resides.

Witness my hand and official seal this 1 day of April, 1892.

[SEAL.]

JOHN MCDUGALL, *Notary Public.*

My commission expires April 16, 1892.

